

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**THE UNITED STATES OF AMERICA**

**vs.**

**CASE NO. 3:99CR00303-001 (PG)**

**JAVIER ROSADO**

\*\*\*\*\*

**MOTION NOTIFYING VIOLATION OF SUPERVISED RELEASE CONDITIONS  
AND THE REQUEST FOR THE ISSUANCE OF AN ARREST WARRANT**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ  
U.S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO**

**COMES NOW, Martín De Santiago, U.S. Probation Officer** of this Court, presenting an official report upon the conduct and attitude of Javier Rosado, who was sentenced on March 17, 2000, to seventy-one (71) months of imprisonment after he was convicted of violating Title 21 U.S. Code, Section 952. A supervised release term of ten (10) years was imposed with the special conditions which included drug testing, and treatment if necessary, financial disclosure, and the annual submission of the filing of his income tax returns as required by law. A special monetary assessment in the amount of \$100 was also imposed. On July 9, 2004, the offender was released from custody at which time the supervision term imposed commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR  
CAUSE AS FOLLOWS:**

On November 17, 2005, the Court was notified via motion filed that the offender had recently admitted to having used cocaine and having had experienced depression episodes. In said motion, we attached Probation 49 - Waiver of Hearing to Modify Conditions of Probation/Supervised

Release of Extend Term of Supervision, modifying his conditions to require him to participate in Mental Health Treatment. Subsequently, the Court granted our motion on November 28, 2005 and the condition requiring him to participate in Mental Health Treatment was added.

We have received information indicating that the offender has reverted to erratic behavior which is potentially detrimental to the community and himself. More so, that he has failed to engage in mental health treatment as required as well as having failed to report his change in address and employment. Additionally, today, his wife was interviewed at our office and she reported that the offender has admitted to drug use to her and to medical personnel.

The offender was apprehended on March 24, 2006 by the State authorities pursuant to Puerto Rico Law 408 and he was admitted to a psychiatric ward. On March 29, 2006, the offender was discharged from the psychiatric ward. Today, his wife was interviewed at our office and she volunteered that the offender had recently left a knife in her bathroom and that due to his ill mental state, she feared for her well-being as well as that of her children. She voluntarily signed a statement to the effect of the aforementioned where she expressed her willingness to testify in Court as to same.

**WHEREFORE**, I declare under a penalty of perjury that the foregoing is true and correct, and it is respectfully requested, unless ruled otherwise, that a warrant of arrest be issued so that the offender may be brought before this Court to show cause why his supervision term should not be revoked. Thereupon, he be dealt with pursuant to law.

In San Juan, Puerto Rico, this 31st day of March 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

s/Martin De Santiago  
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MDS/

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Sonia I. Torres-Pabon, Assistant U.S. Attorney, and to defense counsel Anita Hill.

In San Juan, Puerto Rico, this 31<sup>st</sup> day of March 2006.

s/Martin De Santiago  
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MDS